

AO 441 (Rev. 8/01) Third Party Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

PLAINTIFF

JOSE BARBERAN

THIRD PARTY SUMMONS IN A
CIVIL ACTION

V. DEFENDANT AND THIRD PARTY PLAINTIFF

WORLD SAVINGS BANK, FSB, a/k/a WORLD
SAVINGS BANK, FSB, A FEDERAL SAVINGS
BANK, ISAOA; UNKNOWN OWNERS OF THE
EVIDENCE OF THE DEBT and/or OWNERS OF
THE NOTE

Case Number: 07-CV-8821 (CLB) (MDF)

V. THIRD PARTY DEFENDANT

MONARCH MORTGAGE SERVICES, LLC and
ADAM C. KANDELL

To: Name and address of Third Party Defendant

ADAM C. KANDELL and 2141 Richmond Road
460 Midland Avenue Staten Island, NY 10306
Staten Island, NY 10306

YOU ARE HEREBY SUMMONED and required to serve on

PLAINTIFF'S ATTORNEY (name and address)

Jose Barberan, Pro Se
72 N. State Street
Box 103
Briarcliff Manor, NY 10510

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY
(name and address)

Donohue, McGahan, Catalano & Belitsis
555 North Broadway
PO Box 350
Jericho, NY 11753

Rosner Nocera & Ragone LLP
110 Wall Street, 23rd Floor
New York, NY 10005

an answer to the third-party complaint which is served on you with this summons, within 20 days after the service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default may be taken against you for the relief demanded in the third-party complaint. There is also served on you with this summons a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK

(By) DEPUTY CLERK

DATE

DEC 21 2007

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RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF SERVER	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<input type="checkbox"/> Served personally upon the third-party defendant. Place where served: <input type="checkbox"/> Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <input type="checkbox"/> Returned unexecuted: <input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____ <div style="display: flex; justify-content: space-around; width: 100%;"> Date Signature of Server </div> <div style="text-align: center; margin-top: 20px;"> _____ Address of Server </div> </p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

Filed

~~CONFIDENTIAL~~

Index No. 07-CV-8821

Jose Barberan

Calendar No.

Plaintiff(s) ~~Petitioner(s)~~

against

AFFIDAVIT
OF
SERVICE

Defendant(s) / Respondent(s)

being sworn.

World Savings Bank, FSB a/k/a
World Savings Bank, FSB, et al.

Nassau County, New York State:

Ricardo Curo
New York State

says: Deponent is not a party herein, is over 18 years of age and resides at

On Jan. 8, 2008 at 4:15P M., at 2141 Richmond Road, Staten Island, NY 10306

deponent served the within

☐ summons ☐ with notice☐ summons and complaint☐ order to show cause☐ subpoena ☐ subpoena duces tecum☐ summons & verified complaint☐ summons & complaint - foreclosure☐ summons, Spanish summons and verified formal complaint, the language required by NYCRR 2900.0 (e), (f) & (h) was set forth on the face of the summons (es)☐ citation☒ papers served had endorsed thereon index no. and date of filing☒ 3rd party summons & complaint

on Adam C. Kandell, 3rd party

☐ defendant☐ respondent☐ witness

(hereinafter

called

the recipient)

therein named

1. ☐ INDIVIDUAL

by delivering a true copy of each to said recipient personally; deponent knew the person so served to be the person described as said recipient therein.

2. ☐ CORPORATION

a corporation, by delivering thereat a true copy of each to

3. ☐ SUITABLE

personally, deponent knew said corporation so served to be the corporation, described in same as said recipient and knew said individual to be thereof

4. ☒ AFFIXING TO
DOOR, ETC.by delivering thereat a true copy of each to Marie Knapp/co-worker a person of suitable age and discretion. Said premises is recipient's ☒ actual place of business ☐ dwelling house (usual place of abode) within the state. by affixing a true copy of each to the door of said premises, which is recipient's ☐ actual place of business ☐ dwelling house (usual place of abode) within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereat, having called there

co-worker

Deponent talked to Marie Knapp

who stated that recipient ☐ lived ☒ worked there.MAILING
USE WITH

Deponent caused a copy of same to be enclosed in a postpaid sealed wrapper properly addressed to recipient at recipient's last known residence, at 2141 Richmond Road, Staten Island, NY 10306 and caused said wrapper to be deposited in - a post office - official depository under exclusive care and custody of the U.S. Postal Service within New York State.

(3 or 4)

☒ The envelope bore the legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication was from an attorney or concerned an action against the defendant.

DESCRIPTION

Sex

☐ Male☒ Female

Color

☒ White Skin☐ Black Skin☐ Yellow Skin☐ Brown Skin☐ Tan Skin

Hair

☐ Black Hair☒ Brown Hair☐ Blond Hair☐ Gray Hair☐ Red Hair

Approximate: Age

☐ White Hair☐ Balding☐ Mustache☐ Beard☒ Glasses☐ 14-20 Yrs.☐ 21-35 Yrs.☒ 36-50 Yrs.☐ 51-65 Yrs.☐ Over 65 Yrs.

Height

☐ Under 5'☐ 5'0" - 5'3"☒ 5'4" - 5'8"☐ 5'9" - 6'0"☐ Over 6'

Weight

☐ Under 100 Lbs.☐ 100 - 130 Lbs.☐ 131 - 160 Lbs.☒ 161 - 200 Lbs.☐ Over 200 Lbs.

Other identifying features:

WITNESS
FEES

\$

the authorizing traveling expenses and one days' witness fee:

☐ was paid (tendered) to the recipient☐ was mailed to the witness with subpoena copy.MILITARY
SERVICE

I asked the person spoken to whether recipient was in active military service of the United States or of the State of New York in any capacity whatever and received a negative reply. Recipient wore ordinary civilian clothes and no military uniform. The source of my information and the grounds of my belief are the conversations and observations above narrated. Upon information and belief I aver that the recipient is not in the military service of New York State or of the United States as that term is defined in either the State or in the Federal statutes.

Sworn to before me on

Jan. 9, 2008

ILENE BRODY

Notary Public, State of New York

No. 30-4843428

Qualified in Nassau County

Commission Expires February 28, 2010

Ricardo Curo

License No. 943913